

1 C. Chisler - by Mr. Grimm  
 2 Q. During the course of your  
 3 employment, did you witness any other acts  
 4 against any other COTs as you have alleged  
 5 happened in the bubble on October 7, 2007?  
 6 A. Physically witness, no.  
 7 Q. Going back to the Complaint at  
 8 Exhibit No. 1, paragraph 21 -- back up just a  
 9 moment. The federal system is a little bit  
 10 different than I do in the county, but at some  
 11 point in time did you read this Complaint  
 12 before it was filed?  
 13 A. Yes.  
 14 Q. At paragraph 21 you're making a  
 15 statement, and you'll agree with me that this  
 16 Complaint are statements that you're making,  
 17 the allegations that you're making? This is  
 18 you making these allegations; right?  
 19 MS. WOLVOVITZ: Objection.  
 20 This was written by counsel. He did not write  
 21 these allegations nor did he phrase them with  
 22 respect to a legal concept and legal theories.  
 23 Q. So you're not alleging that  
 24 paragraph 21 is true and correct?  
 25 A. I'll agree with alleging it. Yes, I

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 2 do allege it.  
 3 Q. Would you agree with me that your  
 4 counsel prepared this Complaint based on facts  
 5 that you provided to her?  
 6 A. Yes.  
 7 Q. Now, I'm looking specifically at  
 8 paragraph 21 where you state that "There was a  
 9 well-known custom, pattern and practice of  
 10 violence against corrections officers by  
 11 corrections officers (COs) at SCI Fayette. The  
 12 violence by COs included handcuffing, punching,  
 13 choking, kicking and other conduct of this  
 14 nature. All Defendants not only knew of this  
 15 custom and practice; saw it, acquiesced in it  
 16 by their actions and ratified it by condoning  
 17 and encouraging such misconduct." Do you agree  
 18 with that?  
 19 A. Yes.  
 20 Q. Did you tell your legal counsel  
 21 that?  
 22 MS. WOLVOVITZ: Objection.  
 23 That's attorney-client privilege. Do not  
 24 answer that question.  
 25 MR. GRIMM: Barbara, you

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 2 brought it up by saying that you prepared this  
 3 and you prepared it on his direction; so I  
 4 think you waived the attorney-client privilege  
 5 by that statement because I asked him if this  
 6 was his statement, and you said no, it's mine.  
 7 MS. WOLVOVITZ: Well, I  
 8 drafted it. He looked at it.  
 9 MR. GRIMM: You drafted it,  
 10 and he looked at it so there -- what privilege  
 11 is in that, you just waived it. I'll move on  
 12 because I don't want to take up anyone's time.  
 13 BY MR. GRIMM:  
 14 Q. My question to you is what is the  
 15 basis of that statement?  
 16 A. Before this happened to me, there  
 17 were officers told me and a couple of the other  
 18 officers that an officer by the last name of --  
 19 I don't know if it's Wayne or Waim was duct  
 20 taped to a chair in the hole, pushed down the  
 21 stairs and handcuffed by other personnel in the  
 22 jail.  
 23 Q. You didn't see that happen?  
 24 A. Didn't see it.  
 25 Q. Who told you that?

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1 C. Chisler - by Mr. Grimm  
 2 A. I can't remember. The only person I  
 3 remember in the group was another trainee. His  
 4 last name was Colgan because I remember he was  
 5 laughing and giggling and saying that happened.  
 6 Q. Did trainee Colgan tell you this  
 7 story?  
 8 A. No. He didn't say he was there.  
 9 Q. But he heard it, and he was  
 10 laughing?  
 11 A. Yes.  
 12 Q. But he didn't state that he was  
 13 there to see it?  
 14 A. Yes.  
 15 Q. Do you know anybody who witnessed  
 16 that incident?  
 17 A. No.  
 18 Q. What other incidents form the basis  
 19 of this statement?  
 20 A. The day after this happened to me, I  
 21 was approached by another trainee.  
 22 Q. What was that trainee's name?  
 23 A. Terry Childs.  
 24 Q. What did Mr. Childs tell you?  
 25 A. He said that they came in,

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1 C. Chisler - by Mr. Willig  
 2 A. Yes.  
 3 Q. So Lynch and Palanchar had  
 4 absolutely no supervisory authority over  
 5 Wentroble; correct?  
 6 A. I would assume so, yes.  
 7 Q. Lieutenant is higher than sergeant?  
 8 A. Yes.  
 9 Q. Sutton and Hockenberry, they're  
 10 lieutenants; correct?  
 11 A. Yes.  
 12 Q. Same rank as Wentroble?  
 13 A. Yes.  
 14 Q. They don't have any supervisory  
 15 responsibility over him, do they?  
 16 A. Not that I assume, no.  
 17 Q. Stoner and Keller, I believe -- or  
 18 no, no. Stoner and Johnston, are they both  
 19 sergeants?  
 20 A. Yes.  
 21 Q. Lynch and Palanchar are sergeants?  
 22 A. Yes.  
 23 Q. So Lynch and Palanchar have no  
 24 supervisory responsibilities over Stoner and  
 25 Johnston; correct?

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1 C. Chisler - by Mr. Willig  
 2 A. Correct.  
 3 Q. Because they are all sergeants?  
 4 A. Yes.  
 5 Q. Now, Mr. Grimm asked you about this,  
 6 and I want to explore this more because this is  
 7 important to my client. Paragraph 21 of the  
 8 Complaint, there is a well-known custom, policy  
 9 practice, et cetera, et cetera, et cetera. I  
 10 don't want to put words in your mouth, but this  
 11 is very important. You base that  
 12 representation, you base that allegation on  
 13 three incidents, and we'll talk about them.  
 14 The duct taping incident, Childs and Rodgers?  
 15 A. And myself, four incidents.  
 16 Q. So there are four incidents that in  
 17 your mind establish a well-known custom,  
 18 policy, practice of violence against COs by COs  
 19 including handcuffing, punching, choking,  
 20 kicking and other conduct of this nature; is  
 21 that correct?  
 22 A. Yes, sir.  
 23 Q. Do you know the time frame those  
 24 four incidents, do you know the time frame that  
 25 it spans from which one was the first? Do you

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1 C. Chisler - by Mr. Willig  
 2 know which one in time was the first?  
 3 A. I'm going to assume it was Wayne.  
 4 Q. Is that the duct taping?  
 5 A. The duct taping, yes.  
 6 Q. You're going to assume it. You  
 7 don't know that?  
 8 A. I don't know, no. I don't know how  
 9 long he was at the facility or when he started  
 10 or what, but he was there longer than us  
 11 because we were trainees, and I think he had  
 12 turned over.  
 13 Q. He had turned over to a CO?  
 14 A. Yes.  
 15 Q. And you are a COT for a year?  
 16 A. Yes.  
 17 Q. Is that correct?  
 18 A. Yes.  
 19 Q. Do you have any idea on when this  
 20 duct tape incident occurred --  
 21 A. No.  
 22 Q. -- as opposed to your incident?  
 23 Before it?  
 24 A. Before it, yes.  
 25 Q. But you don't know how much before

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1 C. Chisler - by Mr. Willig  
 2 it?  
 3 A. No, sir.  
 4 Q. The only thing you know about that  
 5 is what somebody told you about it?  
 6 A. Yes.  
 7 Q. You don't know who told you about  
 8 it?  
 9 A. I don't know who it was.  
 10 Q. The guy who actually was the victim  
 11 of this custom, policy, practice, what was his  
 12 name?  
 13 A. Wayne or Waim. I don't know. I  
 14 don't remember the tag on his -- I don't  
 15 remember what it was.  
 16 Q. He never told you about it?  
 17 A. He was there. He was acknowledging  
 18 that it happened. He didn't come out and say  
 19 they did this, they did this, they did this,  
 20 but he was there and acknowledging that it  
 21 happened.  
 22 Q. They who?  
 23 A. I don't know. They referenced them  
 24 as they, you know, they duct taped him and  
 25 pushed him down the stairs while he was

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<p style="text-align: right;">Page 266</p> <p>1 C. Chisler - by Mr. Willig</p> <p>2 handcuffed.</p> <p>3 Q. Was they the same guys that are</p> <p>4 involved in this case?</p> <p>5 A. I couldn't tell you. I don't know.</p> <p>6 Q. You have no idea?</p> <p>7 A. No idea.</p> <p>8 Q. And no idea when it happened?</p> <p>9 A. No idea.</p> <p>10 Q. You just think it was before --</p> <p>11 well, you know it was before you?</p> <p>12 A. Yes.</p> <p>13 Q. When Wayne the guy who got duct</p> <p>14 taped, was he a CO at the time he was telling</p> <p>15 you this?</p> <p>16 A. I believe he was a trainee because I</p> <p>17 can remember some of the conversation that day</p> <p>18 dealt with being a trainee, you know, like what</p> <p>19 we had to do and what we were going through.</p> <p>20 Q. He was still a trainee at the time</p> <p>21 that you learned of this, this first incident?</p> <p>22 A. I don't know, but he was a trainee</p> <p>23 at the time that his incident occurred.</p> <p>24 Q. Understood, but at the time that</p> <p>25 he's standing there and this other guy is</p>	<p style="text-align: right;">Page 268</p> <p>1 C. Chisler - by Mr. Willig</p> <p>2 week? A month? What?</p> <p>3 A. I don't know. Sometime recently.</p> <p>4 You're going not going to say a guy that's been</p> <p>5 turned over three years that just turned over.</p> <p>6 Q. But what did you mean by that?</p> <p>7 A. Well, the consensus was recently. I</p> <p>8 can't tell you a week. Maybe a month. I don't</p> <p>9 know. My judgment on it, if I had just turned</p> <p>10 over, it would have been maybe a month or two.</p> <p>11 Q. And what happened in that incident?</p> <p>12 He was duct taped to a chair?</p> <p>13 A. He was cuffed and duct taped to a</p> <p>14 chair and pushed down the stairs, and I</p> <p>15 remember him saying it was in the hole.</p> <p>16 Q. The hole, the RHU?</p> <p>17 A. RHU, yes.</p> <p>18 Q. But you don't know who did it?</p> <p>19 A. Don't know.</p> <p>20 Q. Did you ever hear that he was</p> <p>21 kicked, punched, choked?</p> <p>22 A. No.</p> <p>23 Q. Or whatever you mean by other</p> <p>24 conduct of this nature. Is that what you're</p> <p>25 meaning when you say duct taped and pushed down</p>
<p style="text-align: right;">Page 267</p> <p>1 C. Chisler - by Mr. Willig</p> <p>2 telling you about it, was he a CO, the guy who</p> <p>3 got hazed for one of a better term?</p> <p>4 A. For some reason, I think he just</p> <p>5 turned over. I'm not sure. I'm not certain.</p> <p>6 I think he was a CO.</p> <p>7 Q. So what supposedly happened to him</p> <p>8 happened at some time during the previous year?</p> <p>9 A. It could have been. If he had only</p> <p>10 turned over yesterday, it could have been</p> <p>11 within the previous week. I mean, it happened</p> <p>12 at some point in time during his tenure there</p> <p>13 as a trainee.</p> <p>14 Q. Right. A COT to CO, one year?</p> <p>15 A. Yeah, but it doesn't mean his</p> <p>16 incident happened -- if he started in January,</p> <p>17 it could have happened in December which would</p> <p>18 have made it within one year.</p> <p>19 Q. Or it could have happened a year</p> <p>20 ago?</p> <p>21 A. It could, yes, it could have.</p> <p>22 Q. Or more than a year ago?</p> <p>23 A. Yes.</p> <p>24 Q. Because he was a CO, he had just</p> <p>25 turned over. What is just turned over? A</p>	<p style="text-align: right;">Page 269</p> <p>1 C. Chisler - by Mr. Willig</p> <p>2 the stairs?</p> <p>3 A. That falls under it, yes.</p> <p>4 Q. But none of these other things,</p> <p>5 punch, choke, kick?</p> <p>6 A. No.</p> <p>7 Q. How do you know that Sutton or</p> <p>8 Hockenberry or Lynch or Palanchar knew about</p> <p>9 that incident?</p> <p>10 A. Whenever I told Lynch what had just</p> <p>11 happened to me, he told me, oh, these guys have</p> <p>12 to knock this shit off. I need to talk to</p> <p>13 them.</p> <p>14 Q. Is that in your Complaint?</p> <p>15 A. No.</p> <p>16 Q. These guys got to knock this shit</p> <p>17 off?</p> <p>18 A. It was in my notebook on a back</p> <p>19 page. I didn't transfer it to the typed copy.</p> <p>20 Q. And not getting into what you told</p> <p>21 your attorney or anything like that, but what</p> <p>22 you told her is the basis of the Complaint;</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. And that's nowhere in the Complaint?</p>

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